

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RESOURCE REAL ESTATE	:	
OPPORTUNITY OP, LP,	:	CASE NO. 3:11-CV-00220
	:	
Plaintiff,	:	JUDGE THOMAS M. ROSE
	:	
v.	:	
	:	
THE CANNERY AT WEBSTER STATION,	:	
LTD, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ORDER GRANTING MOTION FOR DEFAULT JUDGMENT AGAINST
DEFENDANT CITYWIDE BUILDING FINANCE CORPORATION**

Plaintiff Resource Real Estate Opportunity OP, LP ("Resource") having moved this Court pursuant to Fed. R. Civ. P. 55(b)(2) for entry of default judgment against Defendant Citywide Building Finance Corporation ("Citywide"), after default was properly entered by the Clerk on October 20, 2011 [Doc. No. 38]; and the Court having reviewed Plaintiff's Motion for Entry of Default Judgment (the "Motion") and Memorandum in Support, the Declaration of Erik Stock, Esq., the Amended Complaint, and all other pleadings and docket entries in this action; and it appearing that Citywide has defaulted in appearing, answering, or otherwise defending in this action, and that Citywide's time to appear, answer, or otherwise defend has expired; the Court further finds that Resource's Motion is well-taken and should be granted. Accordingly, it is **HEREBY ORDERED** that:

1. Resource's Motion is GRANTED in its entirety; and
2. Due to the priority of Resource's Mortgage¹ lien on the Property, Citywide is hereby barred from asserting or claiming any interest in the Property, or in any of the sale

¹ Capitalized terms not otherwise defined herein shall have the same meanings given in the Amended Complaint, which are incorporated herein by reference.

proceeds thereof, by virtue of any of the following recorded instruments, or otherwise: (i) the Open-End Mortgage recorded in the official records of this Montgomery County, Ohio as Instrument No. MORT-99-056940; (ii) the Subordination Agreement recorded in the official records of Montgomery County, Ohio as Instrument No. SNBD-01-017877; and (iii) the Subordination Agreement recorded in the official records of Montgomery County, Ohio as Instrument No. SNBD-04-144472.

IT IS SO ORDERED.

Wednesday January 11, 2012

s/Thomas M. Rose

Date: _____

JUDGE THOMAS M. ROSE
United States District Judge